

ENTERED

December 23, 2015

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

KIP EDWARDS, ET AL., on behalf	§	
of themselves and all others	§	
similarly situated,	§	Civil Action No. 3:11-cv-240
	§	
Plaintiffs,	§	
	§	
v.	§	COLLECTIVE ACTION
	§	(JURY TRIAL)
KB HOME, ET AL	§	
	§	
Defendants.	§	

STIPULATION OF THE PARTIES

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Plaintiffs, Kip Edwards, *et. al.*, and Defendants, KB Home *et. al.*, all the parties to this action (collectively, the “Parties”), file this Stipulation as follows:

WHEREAS, the Parties have announced a settlement of the above-captioned action and the related action, Case No. BC-521236; *Andrea L. Bejenaru, et al. v. KB Home, et al.*; In the Superior Court of the State of California, County of Los Angeles (“the Settlement”).

WHEREAS, as part of the Settlement and in order to effectuate its approval, the Parties have agreed to the filing of Plaintiffs’ Third Amended Complaint (“the Third Amended Complaint”) in order to bring all claims before this Court, and such Third Amended Complaint is being filed herewith.

WHEREAS, KB Home has previously filed Answers in this action and in *Andrea L. Bejenaru, et al. v. KB Home, et al.*, setting forth their denials and affirmative defenses, and because the Third Amended Complaint is intended to facilitate the Parties' settlement and will be withdrawn if that settlement is not fully consummated to finality, and in order to avoid delay toward the goal of resolving the Parties' disputes, the Parties agree that KB Home shall not be required to file an Answer to the Third Amended Complaint.

WHEREAS, the Parties wish to stipulate as provided below and have such stipulation approved by the Court.

THEREFORE, the Parties agree and stipulate to the following and request that the Court approve the Stipulation:

- 1. In the event the Settlement in this matter (1) is not approved, or (2) for any reason is not fully consummated to finality, the Third Amended Complaint will be withdrawn and deemed withdrawn by the Court as if never filed.**
- 2. No Response to the Third Amended Complaint need be filed.**

IT IS SO STIPULATED.

Dated: December 15, 2015.

/s/ Rhonda H. Wills

Rhonda H. Wills
WILL LAW FIRM, PLLC
Attorneys for Plaintiffs

/s/ David Jordan

David Jordan
LITTLER MENDELSON, P.C.
Attorneys for Defendants

**PURSUANT TO STIPULATION, IT IS SO ORDERED AND THE
THIRD AMENDED COMPLAINT IS DEEMED FILED.**

Dated: December 22, 2015



Gregg Costa
United States Circuit Judge
Sitting by Designation

CERTIFICATE OF SERVICE

I hereby certify that on **December 15, 2015**, I electronically filed the foregoing document with the clerk of the court for the Southern District of Texas using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented to accept this Notice as service of this document by electronic means.

/s/ John M. Padilla

John M. Padilla